UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD REGION 8

GENERAL DIE CASTERS, INC.	
·	CASES 8-CA-37932
	8-CA-38277
and	8-CA-38278
	8-CA-38306
	8-CA-38358
TEAMSTERS LOCAL 24 a/w	8-CA-38390
INTERNATIONAL BROTHERHOOD	8-CA-38464
TEAMSTERS	8-CA-38253
	8-CA-38546
	8-CA-38549
	8-CA-38568
	8-CA-38600
	8-CA-38623
	8-CA-38707
	8-CA-38916
	8-CA-39165

RESPONSE TO RESPONDENT GENERAL DIE CASTER INC.'S MOTION TO STAY APPEAL

On August 7, 2012 Respondent General Die Casters, Inc. filed a motion to stay its appeal of Administrative Law Judge Mark Carissimi's Decision issued on May 2, 2011 until such time as the National Labor Relations Board reaches a lawful quorum. Respondent challenges the validity of the President's recess Board appointments. In similar circumstances, the Board has found that it is not appropriate for it to decide whether Presidential appointments are valid. Instead, the Board applies the well-settled "presumption of regularity supporting the official acts of public officers in the absence of clear evidence to the contrary." *Lutheran Home at*

Moorestown, 334 NLRB 340, 341 (2001), citing U.S. v. Chemical Foundation, 272 U.S. 1. 14-15 (1926); Center for Social Change, 358 NLRB No. 24 (2012).

Accordingly, it is respectfully requested that Respondent's Motion to Stay Appeal be denied.

Dated at Cleveland, Ohio this 17th day of August, 2012.

Respectfully submitted,

/s/ Susan Fernandez

Susan Fernandez, Counsel for the Acting General Counsel 1240 East 9th Street, Cleveland, Ohio 44199

CERTIFICATE OF SERVICE

The undersigned certifies that on August 17, 2012, copies of Counsel for the Acting General Counsel's Response to Respondent General Die Casters Inc.'s Motion to Stay Appeal was served on the following individuals by electronic mail:

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